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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,377	08/27/2003	Joerg Beringer	09282.0007.00000	4602

60668 7590 03/30/2011
SAP / FINNEGAN, HENDERSON LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

SWEARINGEN, JEFFREY R

ART UNIT	PAPER NUMBER
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2445

MAIL DATE	DELIVERY MODE
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03/30/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/649,377	Applicant(s) BERINGER, JOERG	
	Examiner Jeffrey R. Swearingen	Art Unit 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8,10-19,21-25,28,29,31 and 33-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8,10-19,21-25,28,29,31 and 33-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the appeal brief filed on 1/11/2011, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing at the end of this Office action.

Response to Arguments

2. Applicant's arguments, see appeal brief, filed 1/11/2011, with respect to the rejection(s) of claim(s) 1-8, 10-19, 21-25, 28, 29, 31, and 33-35 under Scharber in view of Olivier in further view of Knight have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the prior art below. The rejection under 35 U.S.C. 112, second paragraph is withdrawn. The objection to the specification is withdrawn.

3. Claims 25 and 28 remain rejected under 35 U.S.C. 101 for failure to disclose statutory subject matter. Current Office policy is 1351 OG 212. 1351 OG 212 states that failure to define a computer-readable medium in the specification means the Office should interpret a computer-readable medium as a signal per se and reject as not within the four statutory categories of invention. See the rejection below.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 25 and 28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 25 and 28 are directed toward a computer-readable medium. Applicant defined a machine-readable medium, but Applicant failed to define a computer readable medium in the specification. The claims are rejected under 35 U.S.C. 112, second paragraph for lack of antecedent support for computer-readable medium. Applicant's definition of a machine-readable medium, if applicable to a computer-readable medium includes "any computer program product, apparatus and/or device used to provide machine instructions and/or data to the machine 500, including a machine-readable medium that receives machine instructions as a machine-readable signal." Specification, [0049].

The broadest reasonable interpretation of a claim drawn to a computer readable medium (also called machine readable medium and other such variations) typically covers forms of non-transitory tangible media and transitory propagating signals per se in view of the ordinary and customary meaning of computer readable media, particularly when the specification is silent. See MPEP 2111.01. When the broadest reasonable interpretation of a claim covers a signal per se, the claim must be rejected under 35 U.S.C. § 101 as covering non-statutory subject matter. See 1351 OG 212, Published February 23, 2010.

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In this case, Applicant has not defined a computer-readable medium in the specification. Applicant's definition of a machine-readable medium is not controlling on a computer-readable medium. If Applicant's definition of a machine-readable medium is controlling on a computer-readable medium, then Applicant has defined a machine-readable medium to encompass a machine-readable signal, which does not fall within the four statutory categories of invention. If Applicant's definition of machine-readable medium is not applicable to a computer-readable medium, then Applicant has failed to define a computer-readable medium in the specification and 1351 OG 212 dictates the computer-readable medium should be treated as encompassing transitory propagating signals, which do not fall within the four statutory categories of invention.

Applicant can overcome this rejection by amending to add the claim limitation of "non-transitory". See 1351 OG 212.

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Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-8, 10-19, 21-25, 28, 29, 31, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alcorn et al. (US 7,493,396) in view of Wichmann et al. (US 7,548,957).

7. In regard to claim 1, Alcorn disclosed a method for facilitating communications among persons in an enterprise using a processor, the method comprising:

defining communities within the enterprise; (column 11, lines 7-8, enterprise is institution)

associating collaborative conversation channels with the communities wherein each one of the collaborative conversation channels is associated with a specific one of the defined communities; (collaborative conversation channel is discussion board, defined community is for example course, column 25, lines 8-14 and column 26, lines 31-33)

providing access to one of the collaborative conversation channels through a user interface, with each one of the collaborative conversation channels having an associated set of message types that is based on a topic of the specific one of the defined communities and a member's role within the specific one of the defined communities; (user interface is Figure 13, Alcorn; associated set of message types

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based on a topic is list of threads in discussion board, see Figure 13; member's role within defined community is column 26, lines 56-58, role of the user).

Alcorn failed to disclose:

receiving, through the user interface, a request to send a message having a selected message type within a selected one of the collaborative conversation channels, wherein the selected message type is selected at the user interface and the message is automatically filtered according to the selected message type and according to pre-configured filter profiles corresponding to the member's role within the specific one of the defined communities; and

sending the message having the selected message type through the selected one of the collaborative conversation channels.

However, Wichmann disclosed:

receiving, through the user interface, a request to send a message having a selected message type within a selected one of the collaborative conversation channels, wherein the selected message type is selected at the user interface and the message is automatically filtered according to the selected message type and according to pre-configured filter profiles corresponding to the member's role within the specific one of the defined communities; and (Wichmann, column 9, lines 4-26, request to send message is post communication, message type is message for specific discussion forum, preconfigured filter profile corresponding to user's role is whether a message may be posted anonymously based on whether user is administrator or moderator).

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sending the message having the selected message type through the selected one of the collaborative conversation channels. (send message is Wichmann post communication, column 9, lines 4-26)

Alcorn disclosed a portal with a discussion board interface, but failed to disclose the mechanics of a discussion board's operation. Wichmann disclosed the mechanics of a discussion board's operation, including the abilities to post messages. It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate Wichmann's instructions for posting messages on a discussion board into Alcorn, since Alcorn utilized discussion boards for sharing information.

In regard to claim 2, Alcorn disclosed the method of claim 1 further comprising: identifying members of a specific community; and (column 20, lines 25-26, where members of a specific community are enrolled students)

providing the identified members with access to one of the collaborative conversation channels that corresponds to the particular community. (column 20, lines 25-56)

In regard to claim 3, Alcorn disclosed the method of claim 1 wherein each one of the defined communities includes members with one of a common fortune or a common interest. (members with a common interest are enrolled students, column 20, lines 25-26)

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In regard to claim 4, Wichmann disclosed the method of claim 1 further comprising constructing the collaborative conversation channels in accordance with at least one generic channel type. Wichmann, column 8, lines 1-19. at least one generic channel type is a discussion forum. Alcorn specialized this to educational discussion forums, but Wichmann disclosed the generic discussion forum.

In regard to claim 5, Alcorn disclosed the method of claim 4 wherein the generic channel type is selected from a group consisting of an operational channel, a strategic channel, and an educational channel. (educational channel is discussion board for educational course, column 19, lines 53-62)

In regard to claim 6, Wichmann disclosed the method of claim 1 wherein the set of message types includes predefined message templates. Wichmann, Figure 8 is message template for messages in discussion board

In regard to claim 7, Alcorn disclosed the method of claim 1 wherein users obtain an implicit subscription to a collaborative conversation channel by becoming a member of one of the defined communities associated with one of the collaborative conversation channels. (members of one of the defined communities are enrolled students, column 20, lines 25-26, enrolled students have access to discussion forums)

In regard to claim 8, Alcorn disclosed the method of claim 1 wherein users obtain an implicit subscription to one of the collaborative conversation channels based on information in personal user profiles. (Alcorn, column 26, lines 46-65, personal user profile is user entry, members of one of the defined communities are enrolled students, column 20, lines 25-26, enrolled students have access to discussion forums)

In regard to claim 10, Alcorn disclosed the method of claim 1 further comprising providing filters for filtering the message received through one of the collaborative conversation channels based on at least one of a community type for one of the defined communities associated with one of the collaborative conversation channels and a channel type for one of the collaborative conversation channels. (filters are whether use can access discussion forum, column 20, lines 25-26, community type is course, channel type is discussion forum)

In regard to claim 11, Alcorn disclosed the method of claim 10 wherein the filters are pre-configured based on a pre- configured community (preconfigured community is enrolled students for course, column 20, lines 25-26)

In regard to claim 12, Wichmann disclosed the method of claim 1 further comprising providing a predefined set of message types based on at least one of a community type for one of the defined communities associated with one of the collaborative conversation channels, a channel type for one of the collaborative conversation channels, and a community role for members of one of the defined communities associated with one of the collaborative conversation channels. (Wichmann, column 9, lines 4-26, predefined set of message types is message for specific discussion forum, community role for members of one of the defined communities is whether a message may be posted anonymously based on whether user is administrator or moderator) ,

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In regard to claim 13, Alcorn disclosed the method of claim 1 further comprising providing access to a community place for each one of the defined communities having collaborative components that are based on a community type for each one of the defined communities, wherein access to one of the collaborative conversation channels is provided through the community place. (community place is course portal, see Figure 7, collaborative components are Alcorn, figure 12, items 1202, 1204, 1206, 1208, 1210, 1212)

In regard to claim 14, Alcorn disclosed a system, including memory and at least one processor, for supporting collaboration in an enterprise, the system comprising:

a portal accessible from a plurality of client devices; (Alcorn, column 10, line 66 – column 11, line 17)

a plurality of enterprise base systems; and (Figure 2, item 130)

a collaborative conversation channel application, (communication and collaboration tools, column 12, line 8) running on the processor, for providing members of a community with access through the portal to message templates for a collaborative conversation channel (web page that allows instructors and students to generate discussion boards, conversation channel is discussion board, web page is message template, column 25, lines 8-14) associated with the community, wherein the community relates to a particular topic, the message templates allow users to select message types associated with the particular topic and the user's role within the community (column 26, lines 56-58, role of the user) and the ...

Alcorn failed to disclose collaborative conversation channel allows the users to send messages having the selected message type from each of the plurality of client devices to the members of the community using the enterprise base systems, wherein the message is automatically filtered according to the selected message type and according to pre-configured filter profiles corresponding to the user's role within the community

However, Wichmann disclosed collaborative conversation channel allows the users to send messages having the selected message type from each of the plurality of client devices to the members of the community using the enterprise base systems, (Wichmann, column 9, lines 4-26, send message is post communication, message type is message for specific discussion forum) wherein the message is automatically filtered according to the selected message type and according to pre-configured filter profiles corresponding to the user's role within the community. (message type is message for particular discussion forum, preconfigured filter profile corresponding to user's role is whether a message may be posted anonymously based on whether user is administrator or moderator).

Alcorn disclosed a portal with a discussion board interface, but failed to disclose the mechanics of a discussion board's operation. Wichmann disclosed the mechanics of a discussion board's operation, including the abilities to post messages. It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate Wichmann's instructions for posting messages on a discussion board into Alcorn, since Alcorn utilized discussion boards for sharing information.

In regard to claim 15, Alcorn disclosed the system of claim 14 wherein the enterprise base systems comprise applications for facilitating communications. (applications are communication and collaboration tools, column 12, line 8)

In regard to claim 16, Alcorn disclosed the system of claim 15 wherein the enterprise base systems include a message server for sending messages to the community through the collaborative conversation channel. (message server is tool engine 115, column 8, lines 35-44)

In regard to claim 17, Alcorn disclosed the system of claim 14 wherein the collaborative conversation channel application allows users to list a plurality of available collaborative conversation channels. (Alcorn, column 15, lines 29-40)

In regard to claim 18, Alcorn disclosed the system of claim 14 wherein the collaborative conversation channel application allows users to search for a collaborative conversation channel. (Alcorn, column 15, lines 29-40)

In regard to claim 19, Alcorn disclosed the system of claim 14 wherein the collaborative conversation channel application provides a user interface for display on the client devices. (Alcorn, Figure 13 is user interface)

In regard to claim 21, Alcorn disclosed the system of claim 14 wherein messages sent through the collaborative conversation channel are received by members of the community in a message center of the portal. (message center of the portal is Alcorn Figure 13, discussion board thread view)

In regard to claim 22, Alcorn disclosed the system of claim 21 wherein messages received in the message center have an associated icon to indicate the message type. (in Figure 13, top level threads have an icon next to the check box indicating this is a different thread, or message type) (Icons are further taught in Wichmann, column 9, lines 43-45)

In regard to claim 23, Wichmann disclosed the system of claim 21 wherein each message received in the message center includes an identification of the community to which the message relates. (Figure 11A of Wichmann discloses a message, where a subject is disclosed, subject is an identification of the community to which the message relates)

In regard to claim 24, Wichmann disclosed the system of claim 14 wherein the collaborative conversation channel filters the sending of messages to each member of the community based on a community type. (Wichmann, column 9, line 59 – column 10, line 8, community type is filtered by administrator to control display, sending of messages is display of messages in Wichmann's hot topics configuration interface)

In regard to claim 25, Alcorn disclosed a computer-readable medium storing a computer-executable program which, when executed by a processor, performs a method comprising:

providing access to collaborative conversation channels through a user interface, with each one of the collaborative conversation channels associated with a specific community and having an associated set of message types that is based on a topic of the specific community and a member's role within the specific community; (user

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interface is Figure 13, Alcorn, collaborative conversation channel is discussion board, specific community is course, column 25, lines 8-14 and column 26, lines 31-33)

Alcorn failed to disclose:

receiving, through the user interface, a request to access a template for a selected message type within one of the collaborative conversation channels, wherein the selected message type is selected at the user interface and the message is automatically filtered according to the selected message type and according to pre-configured filter profiles corresponding to the member's role within the specific community;

presenting the template for the selected message type through the user interface;

receiving user input for the template through the user interface to create a message of the selected message type; and

providing the message to a particular community through the associated collaborative conversation channel.

However, Wichmann disclosed:

receiving, through the user interface, a request to access a template for a selected message type within one of the collaborative conversation channels, wherein the selected message type is selected at the user interface and the message is automatically filtered according to the selected message type and according to pre-configured filter profiles corresponding to the member's role within the specific community; (Wichmann, column 9, lines 4-26, template is Wichmann, Figure 8, request

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is Wichmann submit button 840 , message type is message for specific discussion forum, preconfigured filter profile corresponding to member's role is whether a message may be posted anonymously based on whether user is administrator or moderator)

presenting the template for the selected message type through the user interface; (Wichmann, Figure 8)

receiving user input for the template through the user interface to create a message of the selected message type; and (Wichmann Figure 8)

providing the message to a particular community through the associated collaborative conversation channel. (send message is Wichmann post communication, column 9, lines 4-26)

Alcorn disclosed a portal with a discussion board interface, but failed to disclose the mechanics of a discussion board's operation. Wichmann disclosed the mechanics of a discussion board's operation, including the abilities to post messages. It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate Wichmann's instructions for posting messages on a discussion board into Alcorn, since Alcorn utilized discussion boards for sharing information.

In regard to claim 28, Wichmann disclosed the computer-readable medium of claim 25 wherein filtering of messages is further based on a community type of the particular community. (Wichmann, column 9, line 59 – column 10, line 8, community type is filtered by administrator to control display, sending of messages is display of messages in Wichmann's hot topics configuration interface)

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In regard to claim 29, Alcorn disclosed a method for facilitating communications among persons in an enterprise using a processor, the method comprising:

defining communities within the enterprise; (column 11, lines 7-8, enterprise is institution)

associating collaborative conversation channels with the communities, with each one of the collaborative conversation channels associated with a specific community; (collaborative conversation channel is discussion board, specific community is course, column 25, lines 8-14 and column 26, lines 31-33)

Alcorn failed to disclose:

assigning a set of message types to each one of the collaborative conversation channels;

receiving a user selection of a specific message type, which is based on a topic of the specific one of the defined communities and a member's role within the specific one of the defined communities, for a selected collaborative conversation channel and user input comprising content of a message of the selected message type;

automatically filtering the message according to the selected message type and according to pre-configured filter profiles corresponding to the member's role within the specific one of the defined communities; and

sending the message to at least one member of the specific community associated with the selected collaborative conversation channel.

However, Wichmann disclosed:

assigning a set of message types to each one of the collaborative conversation channels; (Wichmann, column 9, lines 4-26, message type is message for specific discussion forum)

receiving a user selection of a specific message type, which is based on a topic of the specific one of the defined communities and a member's role within the specific one of the defined communities, for a selected collaborative conversation channel and user input comprising content of a message of the selected message type; (user selection is from Wichmann Figure 8, specific message type is message for specific discussion forum, topic is in Wichmann Figure 8, Today's Topic, member's role within the specific one of the defined communities is whether a message may be posted anonymously based on whether user is administrator or moderator)

automatically filtering the message according to the selected message type and according to pre-configured filter profiles corresponding to the member's role within the specific one of the defined communities; and (Wichmann, column 9, lines 4-26, preconfigured filter profile corresponding to member's role is whether a message may be posted anonymously based on whether user is administrator or moderator)

sending the message to at least one member of the specific community associated with the selected collaborative conversation channel. (send message is Wichmann post communication, column 9, lines 4-26)

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Alcorn disclosed a portal with a discussion board interface, but failed to disclose the mechanics of a discussion board's operation. Wichmann disclosed the mechanics of a discussion board's operation, including the abilities to post messages. It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate Wichmann's instructions for posting messages on a discussion board into Alcorn, since Alcorn utilized discussion boards for sharing information.

In regard to claim 31, Alcorn disclosed the method of claim 29 wherein filtering the message is further based on a user profile associated with each of the members. (Alcorn, column 26, lines 46-65, personal user profile is user entry)

In regard to claim 33, Alcorn disclosed the method of claim 29 further comprising automatically associating filtering parameters with each of the members based on a community type for each one of the defined communities and a channel type for each one of the collaborative conversation channels. (filters are whether use can access discussion forum, column 20, lines 25-26, community type is course, channel type is discussion forum)

In regard to claim 34, Wichmann disclosed the method of claim 33 wherein each one of the collaborative conversation channels comprises one of an operational channel and a strategic channel. (Wichmann, Figure 7A, where items 750 refer to topics of an operational channel or strategic channel nature (e.g. operating system, reaction to recent announcement, advice on improving performance))

In regard to claim 35, Alcorn disclosed the method of claim 29 further comprising providing the members of the specific community with the set of message types,

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wherein the message types in the set are based on a community type for each one of the defined communities, a channel type for each one of the collaborative conversation channels, and a role of the member within each one of the defined communities. (filters are whether use can access discussion forum, column 20, lines 25-26, community type is course, channel type is discussion forum, role of the member is column 26, lines 56-58, role of the user)

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Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Alcorn et al.

US 6,988,138

DeSanctis, Gerardine et al. "Building a Global Learning Community".

Communications of the ACM. Volume 44, Issue 12. ACM Press. December 2001. 80-

82.

Knight et al.

US 6,493,703

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571)272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey R Swearingen
Examiner
Art Unit 2445

/Jeffrey R Swearingen/
Examiner, Art Unit 2445

/Andrew Caldwell/
Supervisory Patent Examiner, Art Unit 2445